

## REMARKS

### IA. Status of the Claims

Claims 1-44 are pending in the application.

Claims 29-41 are allowed.

Claims 1-28 and 42-44 are rejected.

Claims 19, 22 and 42-44 are objected to.

### IB. Status of the Disclosure

The drawings are objected to because figs 2 and 6 disclosed in the specification on page 9 and 10 respectively are not shown on the drawings. Page 9, line 5 is amended to replace "Fig. 6" with Fig. 6D. Page 9, line 6 is amended to replace "Fig. 5" with Fig. 5A. Page 10, line 10 is amended to replace "Figs. 6," with Fig. 6D.

The disclosure is objected to because the abbreviations "NEMA" and "TV" are not spelled out. Page 1, first line of para. (003) is amended to replace "NEMA" with the National Electrical Manufacturers Association (NEMA). In para. (002), line 9, "TV" is replaced with television (TV).

On page 4, line 12, "6Mpsi" is replaced by six million pounds per square inch (6Mpsi).

Applicant submits that these amendments fully address the stated objections recited in points 1 and 2 of the office action relating to the drawings and claim 19.

### II. Applicant's Invention

An embodiment of applicant's invention is directed to a subplate component of a screwless faceplate assembly for use in conjunction with an electrical box and an electrical wiring device. The subplate component is defined according to claim 1 as follows:

1. *A subplate component of a screwless faceplate assembly, consisting of a single monolithic subplate component in the form of a frame having an outer perimeter defined by opposing outer horizontal surfaces and opposing outer vertical surfaces including an integral attachment structure, and an inner perimeter defined by smooth and continuous inner horizontal and vertical edges, said inner perimeter defining an uninterrupted subplate opening for accommodating an N-gang device body.*

According to an aspect of the embodiment, the subplate component has an uninterrupted opening for accommodating between one and eight individual electrical devices such as switches or receptacles, for example. The subplate is designed in conjunction with a faceplate design such that the faceplate attaches to the subplate component with no visible means of attachment.

According to another embodiment of the invention, a screwless faceplate assembly consists of a single monolithic subplate component as claimed by applicant and a single monolithic faceplate component as claimed by applicant.

### **III. Claim Rejections**

#### *A. Claim Objections*

Claim 22 is objected to for the clarity of “N sets”. Applicant respectfully submits that “N” is used throughout the application to refer to an integer number between “1” and “8” in reference to “electrical device gang number” (*see, e.g.*, pp. 3, 9) and in reference to “sets of alignment posts 32<sub>n</sub>” (*see, e.g.*, pg. 11), and, therefore, the meaning of the term “N sets” as recited in claim 22 would be clearly understood by a person of ordinary skill in the art.

Claims 42-44 are objected to under 37 CFR 1.75(c) as being improper multiple dependent claims. Claims 42-44 are amended to specifically recite the limitations to which the multiple dependencies referred. Applicant believes that these amendments obviate the stated objections set forth in point 4 of the office action.

*B. 35 USC §102*

Claims 1, 9, 15, 17 and 20-28 are rejected under 35 USC §102(b) as being unpatentable over Takagi *et al.* Applicant respectfully traverses this rejection. As set forth in MPEP §2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim.

Regarding claim 1, the Examiner relies on Figure 10 of Takagi *et al.* as showing a subplate component of a screwless faceplate assembly consisting of a single monolithic subplate component in the form of a frame 10b having an outer perimeter defined by opposing outer horizontal surfaces and opposing outer vertical surfaces (see sketch A provided by the Examiner) including an integral attachment structure 11B (see sketch A), and an inner perimeter defined by smooth and continuous inner horizontal and vertical edges (see sketch A), said inner perimeter defining an uninterrupted subplate opening (see Fig. 10) and capable for accommodating an *[sic]* gang device body 21B (see Fig. 10, Column 4, Lines 50-55). Applicant's claim 1 requires, among other things, *a frame having an outer perimeter defined by opposing outer horizontal surfaces and opposing outer vertical surfaces including an integral attachment structure...* The integral attachment structure 11B cited by the Examiner and referred to as "recessed inner flanges 11 at upper and lower ends" in Takagi *et al.* (Column 3, Line 45), is not included on *an outer perimeter of opposing outer horizontal surfaces or opposing outer vertical surfaces of the subplate component* as required by claim 1. Furthermore, the flange 11 (11A, 11B) does not create an *inner perimeter defining an uninterrupted subplate opening* as further required by applicant's claim 1. As these features

do not meet the requirements for claim anticipation, the rejection is improper and should be withdrawn.

Regarding claims 2 and 20, the Examiner relies on the attachment structure 11B of Figure 10 (sketch A) as *a lip integrated into at least a portion of an outer perimeter surface* (claim 2) or *wherein at least a portion of the outer vertical edge includes a lip for engaging a faceplate attachment region* (claim 20). In sketch A provided by the Examiner, the Examiner points to the perimeter edge of the plate frame 10B and states that this is a lip. This appears to be a new attachment structure that is different from the integral attachment structure 11B also referred to by the Examiner. In fact, neither of these structures is an attachment structure for a faceplate as disclosed by applicant. The faceplate attachment structure in Takagi *et al.* is actually the ‘loop wall 13’ disclosed in Column 3, Line 50. In any event, neither the flange 11B (Figure 10), the loop wall 13 (Figure 1) nor the perimeter of the plate frame referred to as a lip (sketch A) form an *attachment structure...integrated into at least a portion of an outer perimeter surface of the subplate component or a portion of the outer vertical edge...for engaging a faceplate attachment region* as required by applicant’s claims 2 and 20, respectively. Accordingly, the rejection is improper and should be withdrawn.

Claim 4 is rejected based on the outer perimeter edge of the plate frame in Takagi *et al.* being a *lip [that] is integrated in at least a vertical perimeter surface and a horizontal perimeter surface [of the subplate component]*, as required by applicant’s claim 4. The “lip” referred to in the Examiner’s sketch A of Figure 10 is merely the smooth thickness dimension of the very outer perimeter of Takagi’s plate frame. As clearly set forth in Takagi’s disclosure, nothing attaches to the edge of the plate frame. The rejection is therefore improper and should be withdrawn.

Regarding claim 5, although Takagi shows a base plate having a single-gang opening in Figure 1, Takagi is a defective anticipatory reference with respect to claim 1 from which claim 5 depends. The rejection is therefore improper and should be withdrawn.

Claim 6 is similarly rejected because Takagi Figure 9 shows a plate frame having a double-gang opening. As claim 6 depends from claim 1, which is not anticipated by Takagi *et al.*, the rejection is improper and should be withdrawn.

The identical argument applies to claim 7, which requires a three-gang opening in the subplate component. The rejection is similarly improper.

Claims 8, 9 and 23 each depend directly or indirectly from claim 1 and thus are not anticipated by Takagi *et al.* The rejection is improper and should be withdrawn.

Regarding claim 15, the Examiner points to reference 14B of Figure 10 (sketch A) as showing a gusset rib for adding structural stability to applicant's subplate component. Takagi, however, discloses reference numeral 14 as an outer flange for abutment with the outer periphery of the faceplate 20 (Column 3, Lines 50-54). A flat flange portion of a plate is not a gusset rib as disclosed and claimed by applicant; therefore, the rejection is improper and should be withdrawn.

Claim 17 requires the gusset rib of claim 15 to be continuous. The rejection of claim 17 is improper for the same reasons as applied to claim 15, above.

Claim 21 requires the subplate to include *at least one set of vertically aligned posts for locating a device with respect to the subplate*. The post 12, 12A, 12B disclosed by Takagi *et al.* are not vertically aligned as clearly illustrated in Figures 3, 9 and 10. The rejection is improper and should be withdrawn.

Claim 22, depending from claim 1, requires *N sets of separately vertically aligned posts*. No such limitation is disclosed by Takagi *et al.*, therefore, the rejection is improper.

Regarding claims 24-25, which require a single faceplate engagement assembly in the horizontal surfaces of the subplate component (claim 24) and the single engagement assembly having two adjacent lips (claim 25) are not met by the assembly of Takagi *et al.* as noted by the Examiner. The rejection is therefore improper and should be withdrawn.

Claims 26 and 28 each depend from claim 1 which, as argued above, is not anticipated by Takagi *et al.* Moreover, contrary to the Examiner's suggestion, Figure 10 does not illustrate *at least one of the outer horizontal surfaces of the subplate component including a disengagement region* as required by claim 28. The rejection is improper and should be withdrawn.

Regarding claim 27, as this claim depends from claim 1, the rejection is improper.

#### C. 35 USC §103

Claims 10-14, 16 and 18-19 are rejected under 35 USC §103(a) as being unpatentable over Takagi *et al.* Applicant respectfully traverses this rejection on the basis that the Examiner has failed to establish a *prima facie* case of obviousness. The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Examiner. *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 223 USPQ 785 (Fed. Cir. 1984). In applying either a single reference or combination of references to assert obviousness of Applicant's claim(s), "the Examiner must step backward in time and into the shoes worn by the hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made." MPEP §2142. The Examiner must put aside knowledge of the Applicant's disclosure, refrain from using hindsight, and consider the subject matter claims "as a whole". (*See Panduit v. Dennison Mfg. Co.*, 774 F.2d 1082, 227 USPQ 337 (Fed. Cir. 1985), vacated, 475 US 809, 229 USPQ 478 (1986), *aff'd.* on remand, 810 F.2d 1561, 1 USPQ2d 1593 (Fed. Cir. 1987).

The rejected claims are ultimately dependent on independent claim 1, which was rejected by the Examiner. Applicant has traversed those rejections as discussed above. Takagi is a defective primary reference in that Takagi clearly does not disclose or suggest *a subplate component of a screwless faceplate assembly, consisting of a single monolithic subplate component in the form of a frame having an outer perimeter defined by opposing outer horizontal surfaces and opposing outer vertical surfaces including an integral attachment structure, and an inner perimeter defined by smooth and continuous inner horizontal and vertical edges, said inner perimeter defining an uninterrupted subplate opening for accommodating an N-gang device body*, as required by claim 1.

Moreover, the examiner alleges that the separation distances of the outer horizontal and vertical edges as claimed by applicant do not solve any stated problem or are for any particular purpose, and that the invention would perform equally well if designed with the outer horizontal edges and outer vertical edges of Takagi *et al.* First, Takagi does not disclose any dimensions for the outer horizontal edges and outer vertical edges. Second, Applicant discloses a deficiency in the prior art of faceplate assemblies when used with “old work” type electrical boxes. These boxes have physical extensions for securing them to a wall structure, and these extensions must be covered by the faceplate assembly for cosmetic reasons. The problem identified and addressed by Takagi is different than that identified and solved by applicant. Takagi’s objective is to strengthen a plastic faceplate assembly that may warp or be dimensionally unstable due to the nature of the material and, at the same time, eliminate the use of a metal die cast under plate. Takagi’s solution is a three-piece assembly consisting of a plastic faceplate, a plate frame and a metal stamped under plate disposed between the faceplate and the plate frame. Takagi, however, neither discloses nor suggests applicant’s

claimed subplate component having the dimensional features recited in claims 10-14. The rejection is improper and should be withdrawn.

Applicant's claim 16 requires a *segmented gusset rib*. Claim 16 depends from claim 15, which depends from claim 1. As discussed herein, Takagi is a defective reference with respect to claim 1. Therefore, the rejection of claim 16 is improper and should be withdrawn.

Claim 18 requires that the subplate component of claim 1 be made of a metallized material and that this is merely an obvious design choice. Applicant respectfully disagrees. Takagi teaches the use of a metal stamped under plate in addition to a plate frame (equivalent to applicant's subplate component) to reinforce a plastic faceplate having reinforcing mullions 120 (120B). Takagi actually teaches away from the use of metallized components due to their cost and labor requirements (Col. 1). Furthermore, since Takagi already uses a metal under plate for reinforcement, there is absolutely no motivation in Takagi to further metalize and reinforce the plate frame. Takagi's assembly is further reinforced by the faceplate mullions 120, a feature intentionally eliminated from applicant's embodiments in an assembly supporting up to an eight-ganged device. Thus it would not have been obvious to make Takagi's plate frame from a metallized material.

Claim 19 requires the subplate component to be made of a material having a *Young's modulus in a range between about 6Mpsi to 42Mpsi*, and is likewise rejected. Since Takagi already has a reinforced faceplate (mullions 120, 120B) as well as a metallized reinforcing under plate, applicant submits that a person skilled in the art having knowledge of Takagi would not be motivated to select a subplate component material having material properties required by claim 19. Such a choice would increase both the manufacturing and point of sale costs of Takagi's assembly to solve a problem already addressed by Takagi's design. The rejection is improper and should be withdrawn.



#### IV. Conclusion

Applicant acknowledges the Examiner's indication that claims 29-41 are allowable.

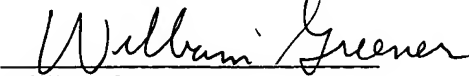
Based on all of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and issuance of the pending claims as a patent.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. §1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-1546.

Please direct any questions or comments to William Greener at (607) 330-4012.

Respectfully submitted,

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